

Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 95-3068 Filed 2-7-95; 8:45 am]

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[Docket No. RP95-62-001]

### Tennessee Gas Pipeline Co.; Notice of Compliance Filing

February 2, 1995.

Take notice that on January 30, 1995, Tennessee Gas Pipeline Company (Tennessee), filed certain information in compliance with the December 30, 1994 Order issued by the Commission in Docket No. RP95-62-000 (Tennessee Gas Pipeline Co., 69 FERC ¶ 61,429 (1994)). Tennessee states that the filing is in response to questions raised by the Commission in its December 30th Order regarding stranded Account No. 858 cost recovery treatment of Tennessee's transportation-by-others contracts.

Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to protest with reference to said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 211 of the Commission's Rules of Practice and Procedure, 18 CFR Section 385.211. All such protests should be filed on or before February 9, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to this proceeding. Copies of this filing are on file and available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 95-3065 Filed 2-7-95; 8:45 am]

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### Office of Hearings and Appeals

#### Notice of Cases Filed; Week of November 14 through November 18, 1994

During the Week of November 14 through November 18, 1994, the appeals

and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. A submission inadvertently omitted from an earlier list has also been included.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: February 2, 1995

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

### LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Nov. 14 through Nov. 18, 1994]

Date	Name and location of applicant	Case No.	Type of submission
Nov. 14, 1994 .....	Cincinnati Gas and Electric Co., Cincinnati, OH.	VEA-0002	Appeal from Special Assessment to the Uranium Enrichment Decontamination and Decommissioning Fund. <i>If granted:</i> The written determination issued by the Department of Energy on October 3, 1994 would be rescinded and Cincinnati Gas and Electric Company would receive a refund of payments made to the Decontamination and Decommissioning Fund. All future obligations of Cincinnati Gas and Electric Company would be cancelled, and Cincinnati Gas and Electric Company's assessment would be adjusted to zero.
Nov. 16, 1994 .....	Victor B. Skaar, Las Vegas, NV.	VFA-0012	Appeal of an Information Request Denial. <i>If granted:</i> The October 21, 1994 Freedom of Information Request Denial issued by the Department of the Air Force would be rescinded, and Victor B. Skaar would receive access to the medical records of 25 people involved in the Palomares incident.
Nov. 14, 1994 .....	Texaco/Rubicon, Inc., Wilmington, DE.	RR321-172	Request for Modification/Rescission in the Texaco Refund Proceeding. <i>If granted:</i> The November 7, 1994 Dismissal Letter (Case Number RF321-18817) issued to Rubicon, Inc. would be modified regarding the firm's Application for Refund submitted in the Texaco refund proceeding.

### REFUND APPLICATIONS RECEIVED

[Week of Nov. 14 to Nov. 18, 1994]

Date received	Name of Refund Proceeding/name of refund applicant	Case Number
10/25/94	Glendenning Motor Ways, Inc. ....	RC272-266
11/16/94	William A. Minter Oil Co. ....	RF300-21814
11/17/94	City of Norwalk, Board of Education .....	RF300-21815

### REFUND APPLICATIONS RECEIVED—Continued

[Week of Nov. 14 to Nov. 18, 1994]

Date received	Name of Refund Proceeding/name of refund applicant	Case Number
11/17/94	Briscoe's LP—Gas Service .	RF352-3
11/17/94	Propane Sales .	RF352-4
11/17/94	Harry's Texaco	RF321-21044
11/17/94	Carellon Oaks Texaco .....	RF321-21045

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### Notice of Issuance of Decisions and Orders; Week of November 7 Through November 11, 1994

During the week of November 7 through November 11, 1994 the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a

list of submissions that were dismissed by the Office of Hearings and Appeals.

### Appeals

#### *Citizen Action, 11/07/94, VFA-0002*

Citizen Action filed an Appeal from a determination issued by the Energy Information Administration (EIA) of the Department of Energy in response to its request under the Freedom of Information Act (FOIA). Citizen Action sought information regarding an EIA study entitled "The Short Term Impact of Lower World Oil Prices on the U.S. Economy." In considering the Appeal, the Office of Hearings and Appeals found that EIA performed an adequate search for materials. Accordingly, the Appeal was denied.

#### *Jane Affleck, 11/07/94, VFA-0003*

Ms. Jane Affleck filed an Appeal from a partial denial by the Office of Intergovernmental and External Affairs, Albuquerque Operations Office (AL) of a Request from Information which Ms. Affleck had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the Office of Hearings and Appeals (OHA) found that AL properly applied Exemption 5 to one paragraph of the document requested by Ms. Affleck. The paragraph had previously been reviewed in a decision of the OHA and was found to be both pre-decisional and deliberative. Accordingly, the Appeal was denied.

### Requests for Exception

#### *Capozzi Bros. Fuel Company, 11/07/94, LEE-0143*

Capozzi Bros. Fuel Company (Capozzi) filed an Application for Exception requesting permanent relief from the Energy Information Administration (EIA) requirement that it file Form EIA-782B, the "Resellers'/Retailers' Monthly Petroleum Product Sales Report." In considering this request, the DOE found that Capozzi was not experiencing a serious

hardship, a gross inequity or an unfair distribution of burdens as a result of the requirement that it file Form EIA-782B. On August 16, 1994, the DOE issued a Proposed Decision and Order determining that the exception request should be denied. No Notice of Objections to the Proposed Decision and Order was filed at the Office of Hearings and Appeals of the DOE within the prescribed time period. Therefore, the DOE issued the Proposed Decision and Order in final form, denying Capozzi's Application for Exception.

#### *Cooperative Oil Company, 11/07/94, LEE-0132*

Cooperative Oil Company filed an Application for Exception from the Energy Information Administration (EIA) requirement that it file Form EIA-782B, the "Resellers'/Retailers' Monthly Petroleum Product Sales Report." In considering this request, the DOE found that the firm was not suffering a gross inequity or serious hardship. On August 19, 1994, the DOE issued a Proposed Decision and Order determining that the exception request should be denied. No Notice of Objection to the Proposed Decision and Order was filed with the Office of Hearings and Appeals of the DOE within the prescribed time period. Therefore, the DOE issued the Proposed Decision and Order in final form, denying Cooperative Oil Company's Application for Exception.

#### *Hattenhauer Dist. Co., 11/07/94, LEE-0146*

Hattenhauer Distributing Company (Hattenhauer) filed an Application for Exception from the Energy Information Administration (EIA) requirement that it file Form EIA-782B, the "Resellers'/Retailers' Monthly Petroleum Product Sales Report." Hattenhauer claimed that it should be relieved of the requirement because it had been filing the Form since 1991 and because the task took the firm's limited office staff four hours to complete each month. In considering

this request, the DOE found that Hattenhauer was not suffering a gross inequity or serious hardship. Accordingly, on August 19, 1994, the DOE issued a Proposed Decision and Order determining that the exception request should be denied. Neither Hattenhauer nor any other party filed an Objection to that Proposed Decision and Order, and the DOE issued it in final form.

#### *Johnson Oil Company, 11/07/94, LEE-0121*

Johnson Oil Company filed an Application for Exception from the Energy Information Administration requirement that it file Form EIA-782B, the "Resellers'/Retailers' Monthly Petroleum Product Sales Report." In considering Johnson's request, the DOE found that the firm was not experiencing a serious hardship or gross inequity. Accordingly, exception relief was denied.

#### *Pro Fuels, Inc., 11/07/94, LEE-0144*

Pro Fuels, Inc. (Pro Fuels) filed an Application for Exception from the Energy Information Administration (EIA) requirement that it file Forms EIA-782B, the "Resellers'/Retailers' Monthly Petroleum Product Sales Report," and EIA-821, the "Annual Fuel Oil and Kerosene Sales Report." In considering this request, the DOE found that the firm was not suffering a gross inequity or serious hardship. Therefore, the DOE denied Pro Fuels' Application for Exception.

### Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Atlantic Richfield Company/Pearl Oil Company .....	RR304-69	11/09/94
City of Bridgeton et al .....	RF272-94918	11/09/94
City of El Cajon .....	RR272-182	11/08/94
Custer County High School .....	RF272-79848	11/07/94
Dundee Central School District #1 et al .....	RF272-84617	11/08/94
Farmers Union Oil Co. et al .....	RF272-92031	11/08/94
Franklin County Community School Corporation et al .....	RF272-81584	11/09/94
Gulf Chemical & Metallurgical et al .....	RF272-93775	11/08/94
Gulf Oil Corporation/Hwy 31 Gulf et al .....	RF300-13971	11/10/94
Gulf Oil Corporation/Jesse Cordell General Delivery et al .....	RF300-21393	11/10/94
Gulf Oil Corporation/St. Andrews Gulf .....	RF300-18756	11/07/94
St. Andrews Gulf .....	RF300-21800	
St. Andrews Gulf .....	RF300-21812	
Melton Gulf .....	RF272-89346	11/09/94
Olin Corporation .....	RF272-93325	11/08/94
Paul Musselwhite Trucking Co. ....	RF272-93414	11/08/94
Rio Grande Sunoco .....	RF272-97182	11/08/94
Texaco Inc./Jimmy Cooke's Texaco .....	RF321-20429	11/08/94
Texaco Inc./Strawn Salvage Co. et al .....	RF321-12525	11/10/94

Warrick Co. Farm Bureau Coop .....	RF272-93758	11/08/94
Mauston Farmers Coop Assn. ....	RF272-93765	
Montana-Dakota Utilities Co. ....	RF272-93779	

## Dismissals

The following submissions were dismissed:

Name	Case No.
CSX Transportation, Inc .....	RF321-20757
Dennis McQuade .....	VFA-0006
E.C. Crosby & Sons, Inc .....	RF321-20695
Economy Rentals, Inc .....	RF272-93453
Elgin Wipf .....	RF321-11393
Englefield Oil Company .....	LEE-0148
Faulkner Bros., Inc .....	RF321-4676
Ferro Corporation .....	RF272-93208
International Business Machines Corp. ....	RF272-91403
McGil Specialized Carriers ...	RF321-19853
Petro Ltd .....	RF349-19
Ray's Gulf .....	RF300-13246
Rubicon Inc .....	RF321-18817
Sellers' Texaco .....	RF321-482
Wayne's Texaco .....	RF321-20660
Wempner's Texaco .....	RF321-12919

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holiday. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

February 2, 1995.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

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## ENVIRONMENTAL PROTECTION AGENCY

[SWH-FRL-5151-3]

### Hazardous Waste Management System: Land Disposal Restrictions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of approval of application for a case-by-case extension of land disposal restrictions effective date.

**SUMMARY:** EPA is today approving the application submitted by Great Lakes Chemical Corporation (Great Lakes), requesting an extension of the June 30, 1994, effective date of the RCRA land disposal restrictions (LDR) treatment standards applicable to wastewaters with the hazardous wastes codes K117,

K118, K131, K132, and F039, to be granted such a request, the applicant must demonstrate, among other things, that there is insufficient capacity to manage its waste and that he has entered into a binding contractual commitment to construct or otherwise provide such capacity, but due to circumstances beyond its control, such capacity could not reasonably be made available by the effective date. As a result of this action, Great Lakes will be allowed to land dispose of its K117, K118, K131, K132, and F039 wastes, until June 30, 1995, without being subject to the land disposal restrictions applicable to such wastes. If warranted, EPA may grant a renewal of this extension, for up to one additional year, which, if requested and granted, would extend the effective date of the LDR for these wastestreams to June 30, 1996.

**EFFECTIVE DATE:** This approved extension of the LDR effective date becomes effective January 31, 1995.

**ADDRESSES:** The docket for this action is located at the EPA Region 6 office, 1445 Ross Avenue, Dallas, Texas 75202, and is available for review during normal business hours, 8:00 a.m. through 4:00 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** The RCRA/Superfund Hotline, at (800) 424-9346 (toll-free) or (703) 412-9810, in the Washington, DC metropolitan area or Gus Chavarria, Chief UIC Section, EPA—Region 6, telephone (214) 665-7166.

## SUPPLEMENTARY INFORMATION:

### I. Background

#### A. Congressional Mandate

Congress enacted the Hazardous and Solid Waste Amendments (HSWA) of 1984 to amend the Resource Conservation and Recovery Act (RCRA), to impose additional responsibilities on persons managing hazardous wastes. Among other things, HSWA required EPA to develop regulations that would impose restrictions on the land disposal of hazardous wastes. In particular, Sections 3004 (d) through (g) prohibit the land disposal of certain hazardous wastes by specified dates in order to protect human health and the environment except that wastes that meet treatment standards established by EPA are not prohibited and may be land disposed. Section 3004(m) requires EPA to set "levels or methods of treatment, if any, which substantially diminish the toxicity of the waste or substantially

reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized."

In developing such a broad program, Congress recognized that adequate alternative treatment, recovery, or disposal capacity which is protective of human health and the environment, may not be available by the applicable statutory effective dates. Section 3004(h)(1) authorizes EPA to grant a variance (based on the earliest dates that such capacity will be available, but not to exceed two years) from the effective date which would otherwise apply to specific hazardous wastes. In addition, under Section 3004(h)(2), EPA is authorized to grant an additional capacity extension of the applicable deadline on a case-by-case basis for up to one year. Such an extension is renewable once for up to one additional year.

On November 7, 1986, EPA published a final rule (51 FR 40572) establishing the regulatory framework to implement the land disposal restrictions program, including the procedures for submitting case-by-case extension applications.

On August 18, 1992, EPA published a final rule (57 FR 37194, 37252), establishing treatment standards under the land disposal restrictions (LDR) program for certain listed hazardous wastes, including the following:

1. K117—Wastewaters from the reactor vent gas scrubber in the production of ethylene dibromide via the bromination of ethylene.
2. K118—Spent adsorbent solids from the purification of EDB produced by bromination of ethylene.
3. K131—Wastewater from the reactor and acid dryer from the production of methyl bromide.
4. K132—Spent adsorbent and wastewater separator solids from the production of methyl bromide.

Because of a determination that available treatment, recovery, or disposal (TRD) capacity did not exist at that time for wastewaters K117, K118, K131, and K132 that are underground injected, EPA granted a two-year national capacity variance for these wastes. The variance expired June 30, 1994. The mixture of wastes for which Great Lakes requested an extension of the LDR treatment standards also will be subject to the treatment standards for F039 since that is a component of the